

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD LEE CHOYCE,
Plaintiff,

No. C 09-1528 MHP (pr)

ORDER

v.

ALAMEDA COUNTY
SHERIFF'S DEPT.; et al.,
Defendants.

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On April 29, 2010, defense counsel filed a notice of the reported death of the plaintiff, Edward Choyce, on April 7, 2010. "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after the service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a).

The clerk will mail a copy of this order to plaintiff at the two addresses he provided: the Alameda County Jail and at Apt. # 802, 1050 7th Street, Oakland, CA 94607. If plaintiff's next of kin or legal representative desires to prosecute this action, he or she shall file a motion for substitution of party no later than **July 29, 2010**. If no such motion is filed by that deadline, this action will be dismissed without further notice.

IT IS SO ORDERED.

Dated: May 1, 2010



Marilyn Hall Patel
United States District Judge